

REMARKS

The Office Action rejected claims 1-3 and 6-8 under U.S.C. 103(a) as being unpatentable over U.S. patent no. 6,360, 263 to Kurzberg et al. (Kurtzberg) in view of U.S. –patent no. 6,473,424 to DeJager (DeJager). Dependent claims 4, 5, 9 and 10 were rejected under Kutzberg in view of DeJager in view of U.S. patent no. 6,173,346 to Wallach et al. (Wallach).

Claims 1 and 6 in a system format, the independent claims, include these elements:

determining the number and type of transactions anticipated at a port,
determining the number and type of devices being serviced via the port,
setting criteria for transactions at the port with respect to the number and type of transactions and devices, and
assigning the system resources to the port with respect to the criteria.

Please note that the criteria is set in response to the number and type of transaction and device, and the resources are assigned in response to the criteria. The direct implication is that different criteria and different system resources will be set and assigned for different particulars in systems.

The Examiner cited col. 1, lines 57-58 in Kurtzberg as anticipating the first phrase “determining the number and type of transactions.....” of claim 1, and col. 2, lines 51-55 as anticipating the phrase “determining the number and type of devices.....” number and type of devices being serviced.

However, col. 1, lines 57-58 of Kurtzberg discuss “job requirement.” Respectfully “job requirements” seems to be “loads,” like memory, as found in Kurtzberg in col.

2, lines 60 et seq. A "load" is not the same as the number and type of transactions as claimed.

Kurtzberg in col. 2, lines 51-55 discusses types of resources (main and secondary memory, CPU loading and external connections) needed to satisfy the requirements of a user. Kurtzberg handles a time share user and needs to assign memory or other internal system resources depending on the needs of the user, but Kurtzberg is silent on the devices serviced at a port. The system resources needed to service a port are not the devices being serviced via the port.

The Office Action continues stating that Kurtzberg does not teach the "setting criteria...with respect to the ...transactions and device" and does not assign the resources with respect to the criteria. The Examiner finds that DeJager at col. 2, lines 50-56, teaches allocating resource to accommodate the I/O transactions including the claimed elements of the present claims 1 and 6 of setting criteria at col. 3, lines 21-24, and assigning system resources with respect to the criteria, col. 3, lines 24-32.

DeJager at col. 3, lines 21-32, discusses load balancing by allocating port assignments based on the packets being handled at each port. The packet ID's are determined and tracked through assigned ports to ensure proper sending. Since the objective of DeJager is to ID and track packets to balance loads at ports, the packets are ID'ed, assigned to ports depending on load at those ports and tracked. DeJager does not pick and choose resources depending on a set of criteria selected in response to the I/O transaction type and the I/O device type as claimed in the present invention. Arguendo, if the port "loading" is a criterion where DeJager then changes the assigned port for the next packets, this

is still distinguished from the last phrase in the present claims 1 and 6 where the "system resources (are assigned) to the port." The port itself is not re-assigned in response to the criteria in the present invention.

As an example, in the present invention in the Summary on page 3 as filed at lines 10 et seq. a series of specific criteria are listed. One criteria is to debug a device, so a debugger program and a slow clock are system resources that are assigned to that port in order to accomplish the task of debugging a CD ROM at the port. Note that the task is determined with known transaction type and I/O device, and then the criteria given and the system resources are then assigned responsive to the task. Again, the last line of claims 1 and 6 emphasize this distinction, i.e: "means for assigning the system resources to the port with respect to the criteria."

New claims 11 and 12 are offered to more clearly distinguish the cited references by specifying specific criteria.

Kurtzberg and Djager form the basis for the rejections of the two independent claims and all other claims dependent from claims 1 and 6. The present response distinguishes those two references and therefore claims 1 and 6 and all the dependent claims are distinguished from the cited references. Wallach does not help. Thus a notice of allowance is respectfully requested for claims 1-12.

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